

Recording Requested by and
When Recorded Mail to:

City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035
Attention: Office of the City Clerk

Record without fee under
Section 6103 - Government Code
State of California

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING
INITIAL ACCEPTANCE AND REDUCING PERFORMANCE BOND OF BOB MCGUIRE
PARK, AND GRANTING AUTHORIZATION TO THE DIRECTOR OF ENGINEERING TO
ISSUE THE NOTICE OF FINAL ACCEPTANCE AFTER THE ONE-YEAR WARRANTY
PERIOD AND ACCEPT LAND DEDICATION TO THE BOB MCGUIRE PARK IN
ACCORDANCE WITH CA GOVERNMENT CODE SECTION 7050**

WHEREAS, a cost sharing and reimbursement agreement was executed on August 18, 2009, between the City of Milpitas, a municipal Corporation of the State of California, and Milpitas Station LLC (MS), Southside Industrial Park (SI), and SCS Development Co. (SCS); and

WHEREAS, the Director of Engineering of the City of Milpitas has recommended acceptance of said improvement as completed in accordance with plans, specifications and approved change orders and correction lists, and in accordance with the final inspection of said Director of Engineering; and

WHEREAS, the SCS Irrevocable Offer of Dedication for fee title of the Bob McGuire Park site was recorded in the Official Records of Santa Clara County on April 5, 2016, as Document No. 23265238, pursuant to California Government Code Section 7050 and shall be accepted by the City Council by resolution; and

WHEREAS, the PH Irrevocable Offer of Dedication for fee title of the Bob McGuire Park site was recorded in the Official Records of Santa Clara County on December 29, 2014, as Document No. 22815105, pursuant to California Government Code Section 7050 and shall be accepted by the City Council by resolution; and

WHEREAS, the park improvements have been completed and fee title of Bob McGuire Park site is now ready for acceptance by the City Council of the City of Milpitas.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City of Milpitas does hereby accept the park improvements, Bob McGuire Park, as constructed in accordance with the approved plans and specifications upon recommendation

of the Director of Engineering of the City of Milpitas. Nothing herein contained shall in any way be deemed to be a waiver, release, or relinquish by City of any obligations imposed upon the Developer or its surety or sureties, by law or by the above-referenced cost sharing and reimbursement agreement, save and except as expressly set forth herein.

3. The City Council authorizes the Director of Engineering to issue the Notice of Final Acceptance after the one-year warranty period without further City Council action, provided all required warranty repairs are completed to the satisfaction of the Director of Engineering;
4. The SCS Irrevocable Offer of Dedication recorded in the Official Records of Santa Clara County on April 5, 2016, as Document No. 23265238, pursuant to California Government Code Section 7050 is hereby accepted by the Resolution and the City of Milpitas shall have fee title of Bob McGuire Park as of the date of this Resolution.
5. The SCS Irrevocable Offer of Dedication recorded in the Official Records of Santa Clara County on December 29, 2014, as Document No. 22815105, pursuant to California Government Code Section 7050 is hereby accepted by the Resolution and the City of Milpitas shall have fee title of Bob McGuire Park as of the date of this Resolution.

PASSED AND ADOPTED this 16th day of August, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

RECORDING REQUESTED BY

**MAIL TAX STATEMENT
AND WHEN RECORDED MAIL DOCUMENT TO:**

City of Milpitas
Attn: Emma Karlen, Assistant City Manager
455 East Calaveras Boulevard
Milpitas, California 95035

Space Above This Line for Recorder's Use Only

A.P.N.: 086-32-071

GRANT DEED

Exempt from recording fee pursuant to Gov't Code § 27383

Exempt from documentary transfer tax pursuant to Rev. & Tax. Code § 11922

[] computed on the consideration or full value of property conveyed, OR
[] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
[] unincorporated area; [] City of Milpitas, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Pulte Home Corporation, a Michigan corporation**

hereby GRANTS to **City of Milpitas, a municipal corporation**

the following described property in the City of **Milpitas**, County of **Santa Clara**, State of **California**:

LOT E, AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT 10037 MILPITAS STATION, PHASE 1 MASTER MAP", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON DECEMBER 29, 2014, IN BOOK 880 OF MAPS PAGE(S) 3 THROUGH 6, INCLUSIVE, OFFICIAL RECORDS OF SANTA CLARA COUNTY.

Dated: _____, 2016

Pulte Home Corporation,
a Michigan corporation

By: _____
Name: _____
Title: _____

Grant Deed - continued

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____)SS

COUNTY OF _____)

On _____ before me, _____, Notary Public, personally appeared

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

This area for official notarial seal.

RECORDING REQUESTED BY
First American Title Company

**MAIL TAX STATEMENT
AND WHEN RECORDED MAIL DOCUMENT TO:**
City of Milpitas

Space Above This Line for Recorder's Use Only

A.P.N.: 086-32-052

File No.: 0131-621404ala (MC)

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$None ; CITY TRANSFER TAX \$None;

RECORDED FOR THE BENEFIT OF THE CITY OF MILPITAS AND IS EXEMPT FROM FEES PER GOVERNMENT CODE SECTIONS 27383 AND 6103.

SURVEY MONUMENT FEE \$

- [] computed on the consideration or full value of property conveyed, OR
[] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
[] unincorporated area; [X] City of Milpitas, and
[] _____
Signature of Declarant

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **SCS Development Co., a California corporation**

hereby GRANTS to **City of Milpitas**

the following described property in the City of **Milpitas**, County of **Santa Clara**, State of **California**:

See Legal Description Attached as Exhibit "A"

Mail Tax Statements To: **SAME AS ABOVE**

Date: **04/13/2016**

A.P.N.: 086-32-052

File No.: 0131-621404ala (MC)

Dated: April 13, 2016

SCS Development Co.,
a California corporation

By:

Stephen E. Schott
Printed Name: Stephen E. Schott
Title: Vice President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California)SS

COUNTY OF Santa Clara)

On April 13, 2016 before me, Pamela M. Takeshita, Notary Public, personally appeared
Stephen E. Schott

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

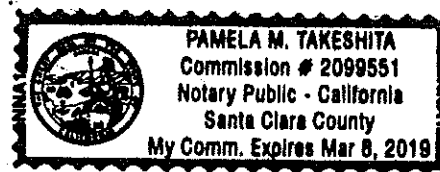
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Pamela M. Takeshita

This area for official notarial seal.



Date: **04/13/2016**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____)SS

COUNTY OF _____)

On _____ before me, _____, Notary Public, personally appeared

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

This area for official notarial seal.

Exhibit A

LEGAL DESCRIPTION

Real property in the City of Milpitas , County of Santa Clara, State of California, described as follows:

LOT J, AS SHOWN ON THE MAP OF TRACT 10060, FILED FOR RECORD OCTOBER 02, 2013 IN BOOK 864 OF MAPS AT PAGES 48 THROUGH 53, SANTA CLARA COUNTY RECORDS.

APN: 086-32-052